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PLAINTIFFS

UNIVERSAL CITY STUDIOS, INC.

DEFENDANTS

SWEET, J.

NINTENDO CO., LTD.
NINTENDO OF AMERICA, INC.



86170

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

Trademark Infringement-Unfair Competition-15 USC §1051 et seq., 28 USC §1338 (a) and (b)
28 USC §1391 (b) and § 1400(a)

dd

ATTORNEYS

Townley & Updike
405 Lexington Avenue
New York, NY 10174

MUDGE ROSE GUTHRIE AND ALEXANDER
20 Broadway, N.Y.C. 10005
707-1000

Sub.

New Address

wachtell, Lipton, Rosen & Katz
299 Park Avenue
New York, NY 10171

180 maiden Lane
NYC 10038 510-7000

371-9200

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OK
2/20/86

☐ CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAIL
	JUN 29 1982	63362	72-0000	JS-5 X	12-83

UNITED STATES DISTRICT COURT DOCKET

DC-111 (R-1)

PROCEEDINGS

complaint, issued notice pursuant to rule 28 USC 636(c) and summons is.

FILED ORDER under rule 4 c appointing James Hershler or any other law clerk employed by the law firm of Townley & Updike--Clerk m/n

- | | | |
|------------|------|--|
| 06-82 | 3 | Filed summons affdvt. of service of summons and complaint served upon--Nintendo of America, Inc. on June 29, 1982 by James Hershler |
| 07-12-82 | 4 | Filed certificate of mailing summons and complaint by the Clerk on 6-29-82 upon--
President, Nintendo Co., Ltd
60, Fukuine, Kamitakamatsu-Chu
Higashiyama-Ku, Jyoto, #216017 Return Receipt Received--8-23-82 |
| 07-22-82 | 5 | Filed stip. and order, ext. defts time to answer to August 16, 1982, defts time to respond to pltf's First Interrog to defts is ext. to August 31, 1982 and that any answers to said interrog. supplied by either deft. shall not constitute a waiver fo any defense for lack of jurisdiction which might be asserted--Sweet, J. |
| 07-29-82 | 6 | Filed pltf's notice of taking deposition deft. Nintendo of America Inc. on August 16, 1982 |
| 08-17-82 | (9) | Filed ANSWER AND COUNTERCLAIMS of defts' MRGA |
| * 08-16-82 | (10) | Filed stip and order extending time for deft Nintendo to answer complaint to 9-30-82 So Ordered. SWEET, J |
| 9-2-82 | 11 | Filed ANSWER of dft NINTENDO to pltf's interrogatories. |
| 09-07-82 | 12 | Filed pltf's Reply to the counterclaims of deft. Nintendo of America, Inc. |
| 09-08-82 | 13 | Filed deft's First Set of Interrog. to pltf. |
| 09-08-82 | 14 | Filed deft's First Request for Production of Documents |
| 09-30-82 | 15 | Filed PRE-Trial Order, The parties shall complete all discovery, inspection and motions by 1-17-82 and the parties shall submit trial briefs, a joint proposed pretrial order by 1-24-82--Sweet, J. m/n |
| 10-01-82 | 16 | Filed stip. and order ext. pltf's time to respond to the First Interrog. and First Request for Production to 10-20-82--Sweet, J. |
| 10-04-82 | 17 | Filed stip. and order ext. pltf's time to serve an Amended Complaint to 10-14-82--Sweet, J. |
| 10-06-82 | 18 | Filed ANSWER of Nintendo, Co., Ltd. |
| 10-08-82 | 19 | Filed stip. and order ext. deft. Nintendo Co., Ltd. time to answer to October 5, 1982--Sweet, J. |
| 10-08-82 | 20 | Filed pltf's notice of taking deposition of deft. Nintendo Co., Ltd. on 11-1-82 |
| 10-08-82 | 21 | Filed pltf's notice of taking deposition of deft. Co., Ltd. by its Export Manager Mr. Todori. on 11-2-82. |
| 10-15-82 | 22 | Filed defts notice of taking deposition of pltf. 10-28-82 |

UNIVERSAL CITY STUDIOS, INC		CIVIL DOCKET CONTINUATION SHEET		FPI-MAR-7-14-80-708-4396	
DATE		NR.		DOCKET NO. 82-4259RWS	
		DEFENDANT		PAGE 3 OF 3 PAGES	
		NINTENDO CO., LTD.			
PROCEEDINGS					
10-26-82	23	Filed plttf's Response to the First Set of Interrog. and First Request for Production by deft, Nintendo of America, Inc.			
11-04-82	24	Filed plttf;s Second interrog. to defts			
11-10-82	25	Filed defts notice of taking deposition of Bo Goldman on 11-23-82			
11-18-82	26	Filed defts notice of taking the testimony of pltf Universal City Studios, Inc. on 11-18-82			
11-29-82	27	Filed plttf's noitce of taking deposition of deft. Nintendo of America, Inc. on 12-13-82			
11-29-82	28	Filed deft's Second Request for Production of Documents			
11-29-82	30	Filed deft's Second Set of Interrogl to plttf.			
12-08-82	31.	Filed Plttf's 2nd request for production to defts.			
12-16-82	32	Filed plttf's Third interrog. to defts.			
1-05-83	33	Fld Pre Trial Order the parties shll complete all discovery etc by 3-14-83 and Submit court Briefs by 3-21-83 So ordered Sweet, J. M/n			
1-05-83	34	Fld. Pltffs Responses to the Second set of Responses and Interrogs by Deft. Nintendo of America			
1-05-83	35	Fld PltffsResponses to second Request for production of Documents by Deft Nintendo of America Inc.			
02-09-83	36	Filed stip. and order of Confidentiality ORDER, all described documents and information produced by the parties in connection with the above-captioned litigation shall be kept confidential by the parties and their counsel--- Sweet, J.			
02-14-83	37	Filed plttf's Fourth Set of Interrog. to defts			
02-14-83	38	Filed deft. Nintendo of America Inc. notice of taking deposition of Randy Rissma on 2-16-83			
02-14-83	39	Filed plttf's Third Request for Production of Documents			
02-17-83	40	Filed deft. Nintendo of America, Inc. to plttf's Second Set of Interrog.			
02-17-83	41	Filed deft.s notice of taking deposition of Randy Rissman on 2-16-83---subp. iss			
02-23-83	---	Filed 1 Brown Envelope Ordered Sealed and Impounded by stip. of Confidentiality Order of 2-9-83			
03-01-83	42	Filed deft. Nintendo of America Supplemental Answers to deft, Nintendo of America Inc., to plttf's First Interroh. and First Request for Production of documents			

continued on page --4--

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NINTENDO CO. LTD.

DOCKET NO. 82-4249
PAGE 4 OF 4 PAGES

NR.

PROCEEDINGS

DATE	NR.	DESCRIPTION
03-04-83	43	Filed stip. and Confidentiality ORDER, all documents produced by Universal that deft. requested for inspection and copying shall be kept confidential by the apties and their counsel etc --Leval, J.
03-04-83	44	Filed stip. and order, that deft. Nintendo of America, Inc. may amend its answer and counterclaims --Leval, J.
03-11-83	45	Filed PRE-Trial ORDER, The parties shall complete all discovery, inspection by 4-15-83--Sweet, J. m/n
03-17-83	46	Filed deft's Third Request for Production of Documents
03-17-83	47	Filed deft's Third Set of interrog. to plttf.
03-24-83	48	Filed AMENDED ANSWER and Counterclaim of deft. Nintendo of America, Inc.
03-29-83	49	Filed deft. Nintendo of America, Inc. Responses and objections to plttf's Fourth Set of interrog. and third Request for Production of Documents
04-01-83	50	Filed plttf's Supplemental Responses to the First Set of Interrog. and Second Request for Production No 1 by deft. Nintendo of America, Inc.
04-01-83	51	Filed plttf's Supplemental Responses to the First Set of Interrog. and First Request for Production by deft. Nintendo of America, Inc.
04-04-83	52	Filed plttf's Reply to the AMENDED COUNTERCLAIMS of deft. Nintendo of America, Inc.
04-12-83	53	Filed Hiroshi Imanishi, a national of Japan Declaration orig. to chambers
04-20-83	54	Filed plttf's Response to deft's hird Set of Interrog. and Third Request for Production to plttf.
04-29-83	55	Filed Pre-Trial ORDER, The parties shall complete all discovery, inspection and motions by 5-25-83. The parties shall submit to the court trial briefs, a by 6-1-83--Sweet, J. m/n
05-06-83	56	Filed deft's Second Supplemental Responses to plttf's interrog. and documents Request.
05-11-83	57	Filed defts statement pursuant to rule 3(g) and notice of motion for an order pursuant to rule 56(b) awarding summary judgment to defts and dismissing the complaint of plttf. ret. May 7, 1983
05-11-83	58	Filed defts Memorandum of law in support of defts motion for summary judgment
05-11-83	59	Filed affdvt's of Howard C. Lincoln Arnold, C. Greenberg et al and Charles S. Paul in support of defts motion for summary judgment.
05-11-83	60	Filed affdvt. of Shelley B. O'Neill in support of defts motion for summary judgment
05-11-83	61	Filed affdvt. of Caroline A. Riggio in support of defts motion for summary judgment
05-11-83	62	Filed affdvt. of Catherine E. Palmer in support of defts motion for summary judgment
05-11-83	63	Filed affdvt of Jeffrey Rovin in support of defts motion for summary judgment orig. to chambers

PROCEEDINGS

07-08-83	64	Filed plttf's affdvt. of Harry W. O'Neill President and Director of Opinion Research Corp. I will describe for the Court a study conducted by ORC. orig. to chambers
07-08-83	65	Filed plttf's affdvt. of: Sandra Edelman in opposition to defts motion for summary judgment. orig. to chambers
07-08-83	66	Filed plttf's affdvt. of Mary D. Faucher on Opposition to defts motion for summary judgment
07-08-83	67	Filed plttf's Memorandum of law in Opposition to defts Motion for summary judgment orig. to chambers
07-08-83	68	Filed plttf's Statement pursuant to rule 3(g) In opposition to defts motion for summary judgment. orig. to chambers
07-08-83	69	Filed plttf's volume of deposition Transcript Excerpts
07-13-83	70	Filed affdvt. of Richard Zimbert in re: to being a Senior Vice President and General Counsel of Paramount Pictures Corp. orig. to chambers
12-22-83	71	Filed OPINION # 55548 This dispute over two gorillas. defts have moved for summary judgment to dismiss. For the reason stated herein, Nintendo's motion for summary judgment against Universal's claims is granted. As a separate matter, . The action is dismissed and the Clerk is directed to enter judgment to this effect.--Sweet, J. m/n
12-29-83	72	Filed JUDGMENT ORDERED, that the complaint is dismissed.--Clerk m/n ent. 12-29-83
01-04-84	73	Filed Judgment and rule 54(b) determination --Sweet, J. Judgment Entered 1-5-84--Clerk m/n ent. 1-9-84
1-16-83	—	<i>Filed Transcript of record of proceedings, dated Aug. 8, 1983</i>
01-10-84	74	Filed Letter to Judge Sweet dated 10-20-83 by John J. Kirby, Jr.
01-26-84	75	Filed plttf. Universal City Studios, Inc. notice of appeal from the Judgment entered in this action on December 29, 1983 and the subsequent Judgment entered on 1-5-84. mailed copy to Mudge Rose Guthrie Alexander & Ferdon 20 Broad Street NYC 10005
		Sax and Maciver 1700 People National Bank Building 1415 Fifth Avenue Seattle, Washington 98171 (received 1-30-84)
01-31-84		Forwarded copy of Notice of Appeal to District Judge and copy of Notice of Appeal and docket entries to Court of Appeals.

continued on page-6--

AL CITY STUDIOS, INC.

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-72

DATE

NR.

DEFENDANT

04-20-84

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NINTENDO CO. LTD

DOCKET NO. 82-4259R

PAGE 6 OF PAGES

PROCEEDINGS

Filed ORDER, pursuant to this court's judgment and rule 54(b) determination dated January 4, 1984, Universal v Nintendo is hereby reopened. Discovery shall be completed in Universal v Nintendo by June 18, 1984, and pretrial orders submitted by June 25, 1984, after which time the case will be placed on the ready trial calendar.--Sweet, J. m/n

UNIVERSAL CITY STUDIOS, INC.

CIVIL DOCKET CONTINUATION SHEET

MISSING DOCKET 82CIV 4259CES

FPI-MAR-7-14-80-70M-1398

NINTENDO CO ET AL

DOCKET NO. _____

PAGE 7 OF _____ PAGES

PROCEEDINGS

DATE	NR.	
04-29-84	71	Filed stip. and order that the record on appeal, in the appeal noticed by plttf. on January 26, 1984 shall be supplemented to include the indicated documents, '1
04-16-84	72	Filed Original Record on Appeal has been certified and transmitted to the USCA for the Second Circuit on March 16, 1984
04-16-84	74	Filed stip. and order in re; Sealed Documents that the Confidential Responses and Objections of def.t Nintendo of America, Inc. to plttf's Third Set of Interrog-, dated 2-16-83m which are under seal and impounded in cashier's office are made par- of the record on appeal and shall be transmitted to the Court of Appeals for the Second Circuit,--Sweet, J.
04-16-84	75	Filed notice of 1st. Supplemental Record on Appeal has been certified and transmitted to the USCA for the Second Circuit on 4-16-84
04-16-84	76	Filed Notice of 1st. Supplemental Record of a sealed document ordered sent to USCA on appeal, was certified and transmitted under separate cover with the record on appeal on 4-16-84.
04-20-84	77	Filed ORDER, pursuant to this court's judgment and rule 54(b) determination dated January 4, 1984 Universal v Nintendo is reopened. Discovery shall be completed In Universal v Nintendo by June 18, 1984, and pretrial orders submitted by June 25, 1984, after which case will be placed on the readt trial calendar. --Sweet, J. m/n
05-27-84	83	Filed notice of change of address by attys for defts Nintendo Cp. Ltd. and Nintendo of America, Inc.
-15-84	84	Filed Pretrial ORDER, the parties shal Complete all discovery, inspection and motions by 8-1-84 and the parties shall submit trial briefs etc. by 8-8-84--Sweet, J. m/n
1-84	85	Filed Pre-trial ORDER, Alll motions are to be made ret. at 12:00 noon Fridat and in compliance with the rules of this court., The parties shall complete, all discovery, inspection and motions by 9-17-84, and the parties shall submit trial briefs etc. ny 9-24-84--Sweet, J. m/n
84	86	Filed deftd notice of taking deposition of Steve Adler on August 29, 1984.
4	87	Filed defts notice of taking deposition of Loretta Sifuentes on August 29, 1984.
88	88	Filed stip. and order Amending Answer and Counterclaim asserted by and on behal of the Nintendo of America, Inc.---Sweet, J.

continued on page--- 8-

		CONTINUATION SHEET		DOCKET NO. 82-4259R
		DEBTOR		PAGE 8 OF PAGES
		NINTENDO CO.		
		PROCEEDINGS		
09-18-84	89	Filed Pretrial Order All motions are to be made ret. at 12:00 noon Friday, The parties shall complete all discovery, inspection and motions by 10-17-84 and the parties shall submit trial briefs etc. by 10-24-84--Sweet, J. m/n		
10-11-84	90	Filed defts and Counterclaims-pltffs, Nintendo Co. Ltd and Nintendo of America Inc notice of taking deposition of Coleco Industries, Inc on 10-16-84		
10-17-84	91	Filed PRETRIAL ORDER, All motions are to be made ret. at 12:00 noon Friday, The parties shall complete all discovery, inspection and motions by 11-21-84 and the parties shall submit trial briefs by 11-28-84---Sweet, J. m/n		
11-01-84	92	Filed true copy of USCA ORDER FOR THE SECOND CIR CUIT with Opinion Attached Ordered that the Order of the District Court is affirmed in accordance with the opinion of this court with costs to be taxed against the appellant. m/n		
11-14-84	93	Filed Statement of costs as part of the Mandate to the judgment #84, 1615 issued 10-25-84		
12-28-84	(94)	Filed Pltff's Civil Rule 3(g) Statement orig to chambers		
12--28-84	(95)	Filed Pltff's Affidavit in support of motion for summary judgment on the counter claims of Nintendo Co Ltd and Nintendo of America etc. by:MARY D. FAUCHER		
12-28-84	(96)	Filed Pltff's Memorandum in support of motion for summary judgment,etc.		
12-28-84	(97)	Filed Pltff's EXHIBIT BOOKLET I. (Interrogatory Rresonses)		
12-28-84	(98)	Filed Pltff's EXHIBIT BOOKLET II (Disposition Transcript Excerpts)		
12-28-84	(99)	Filed Pltff's EXHIBIT BOOKLET III (Documents produced in discovery)		
12-28-84	(100)	Filed Pltff's EXHIBIT BOOKLET IV (Game Samples and Game Commentary)		
02-11-85	101	Filed defts Response to pltff's Motion for Summary Judgment on the defts counterclaims. orig. to chambers.		
02-11-85	102	Filed defts Trial Brief. orig. to chambers		
03-15-85	103	Filed pltff's Supplemental submissions in support of motion for summary judgment		
03-15-85	104	Filed plaintiff's Supplemental Trial Brief. orig. to chambers		
05-20-85	--	Non-Jury Trial begun Before: Judge Sweet		
05-21-85	--	Trial Continued		
05-23-85	--	Trial Continued		
05-28-85	--	Trial Continued		
05-29-85	--	Trial Continued and Concluded dec. res.		
06-10-85	105	Filed defts Post-Trial Brief orig. to chambers		
06-17-85	106	Filed pltff's Proposed Findings of Fact and Conclusion s of law. orig. to chambers		
06-17-85	107	Filed pltff's Post-Trial Brief. orig. to chambers		

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DATE		NR.	CIVIL DOCKET CONTINUATION SHEET	PROCEEDINGS	DOCKET NO. 82--4259 (RWS)
			UNIVERSAL CITY STUDIOS, INC.	DEFENDANT	
			NINTENDO CO., LTD		PAGE 9 OF 9 PAGES
06-20-85		108	Filed defts Post-Trial Reply Brief. orig. to chambers		
07-28-85		109	Filed Transcript of record of proceedings, dated May 20-22, 1985		
07-29-85		110	Filed Transcript of record of proceedings, dated May 23, 24, 29, June 21, 1985		
07-30-85		111	Filed OPINION # 58003. From the outset, this case has involved two gorillas, King Kong and Donkey Kong, and the rights of their respective owners, Nintendo's counterclaim for unjust enrichment is denied. Its counterclaims for vicarious copyright infringement and tortious interference with contractual relations are granted, and atty's fees are awarded as set forth herein. Damages as set forth herein will be awarded. Submit judgment on notice.--Sweet, J. c/m date unknown		
08-23-85		112	Filed ptlff's notice of objections to proposed judgment. orig. to chambers		
08-23-85		113	Filed ptlff's affdvt. and Order to Show Cause. with a stay. Ordered that the that defts shal- show cause why the entry of judgment on defts counter-claims should not be stayed for a period of three weeks. Ordered, that the entry of judgment on defts counterclaims is stayed pending order of this Court that defts shall serve their answer papers by 5:00 p. m. August 26, 1985. Ordred that service of these papers upon Mudge Rose Guthrie Alexamnder & Ferdon on 8-23-85---Sweet, J. orig. to chambers		
08-26-85		114	Filed defts affdvt. in Opposition to ptlff's motion for an order staying the entry of judgment on defts counterclaims until 9-13--85 by: John J. Kirby.		
08-26-85		115	Filed defts memorandum of law in opposition to ptlff's motion to stay entry to judgment. otig. to chambers.		
08-23-85		116	Filed stip. and order substituting counsel for the ptlff.--Sweet, J.		
08-27-85		117	Filed affdvt. of Douglas C. Fairhurst to whtidraw as counsel. fl.		
08-27-85		118	Filed ptlff's memorandum of law in support of its Motion to stay Entry of judgment. orig. to chambers.		
09-03-85		119	Filed plaintiff's memorandum of law in Opposition to entry of proposed judgment. orig. to chambers.		
09-19-85		120	Filed ptlff's affdvt., declaration and notice of motion for an order pursuant to rule 59(a) granting a new trial. ret. 10-4-85.		
09-19-85		121	Filed ptlff-Counterclaim deft. Universal City Studios, Inc. Memorandum of law in Support of Motion for Partial New Trial or. alternatively, for a hearing to determine whether Universal is entitled to attys fees pursuant to rule 11. orig. to chambers		

continued on page--10--

UNIVERSAL CITY STUDIOS, INC.,		CIVIL DOCKET CONTINUATION SHEET		FPI-MAR-7 14 85	
DATE	NR.	DEFENDANT	PROCEEDINGS	DOCKET NO 82-4259 (1)	
		NINTENDO CO. LTD. ET AL		PAGE 10 OF _____ PAGES	
09-17-85	122		Filed MEMORANDUM OPINION # 58151 With respect to the costs and attys fees of Nintendo for prosecuting the contributory copyright infringement counterclaim the judgment will award Nintendo attp-n-ys' fees and court costs incurred in prosecuting the copyright infringement counterclaims. Enter judgment on notices in accordance with the opinion as clarified, hopefully, by this memorandum opinion.--Sweet, J. c/m (csc) date unknown		
09-20-85	123		Filed plttf's Exhibits to the Declaration of Stephen A Kroft.		fld.
10-02-85	124		Filed JUDGMENT # 85, 1751. Ordered that judgment entered in favor of defts-counterclaimants Nintendo Co., Ltd. Nintendo of America, Inc. against the plttf.-Counterdefendant Universal City Studios, Inc in aggregate amount of \$1, 605,732.25, --Sweet, J. c/m 10-3-85		
10-16-85	125		Fld. deft's/ counterclaim plttf's memo in opposition to the motion for a partial new trial or hearing purs to FRCP. 11		
10-21-85			<i>Issued execution on judgment # 85, 1751, in the amount of \$1, 605, 732.25, vs against Universal City Studios, Inc.</i>		
10-23-85	116		Fld. plttf-counterclaim deft. Universal City Studios, Inc's reply memo of law in support of motion for partial New Trial or for a hearing to determine whether Universal is entitled to attys' fees.		
11-12-85	117		Filed stip. and order that all proceedings to enforce this Court's judgment of October 1, 1985 are stayed pending hearing and determination Universal's motion for a partial new trial and of any appeal that Universal may take form said jdugment.--Sweet, J.		
12-08-85	118		Filed Supersedeas Bond # 8511751		
12-26-85	119		Filed OPINION # 58604. plttf.- has brought a motion punder rule 59(a), for a partial new trial in the interests of substantial jusitce. Not every successful defense will result in attorneys fees, only those which establish unusual facts to demonstrate that a lack of food faith in the initiation of the claim. Teh motions of Universal and Nintendo are denied and the judgment will not be vacated.--Sweet, J. c/m		
01-22-86	120		Filed plttf. Universal City Studios, Inn, (plttf.-counterdeft) notice of Appeal to the USCA FOR THE Second Circuit from the final judgment awardi relief to defts-counterclaimants Nintendo Co., et al mailed copy to Mudge, Rose Guthrie Alexander & Ferdon 80 Maiden Lane NYC 10038		

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PLAINTIFF

UNIVERSAL CITY STUDIOS, INC.,

CIVIL DOCKET CONTINUATION SHEET
DEFENDANT

NINTENDO CO, LTD. ET AL

DOCKET NO 82-4243

PAGE 1b OF 1 PAC

DATE

NR.

PROCEEDINGS

01-29-86

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Filed defts-Counterclaim plttfs notice of Cross-

01-29-86

122

Filed defts-Counterclaim plttfs Nintendo Co. Ltd., and Nintendo of America, In
notice of Cross-Appeal to the USCA for the Second Circuit from so much of th
Judgment entered on 10-3-85; dismissing counterclaim. copies mailed toWachtell, Lipton, Rosen & Katz
299 Park Avenue
New York, NY 10171

01-30-86

Forwarded Copy of Notice of Appeal to District Judge and Copy of Notice of App
Docket Entries to A & O.A TRUE COPY
RAYMOND F. E.

By

Deputy Clerk